



APPLICATION ACCEPTED: December 14, 2012
BOARD OF ZONING APPEALS: March 6, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 27, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-PR-086

PROVIDENCE DISTRICT

APPLICANTS/OWNERS:	Reuben R. Werner, Trustee Mary M. Werner, Trustee
SUBDIVISION:	Holmes Run Woods West
STREET ADDRESS:	3201 Holly Berry Court, Falls Church 22042
TAX MAP REFERENCE:	59-2 ((21)) 5
LOT SIZE:	16,314 square feet
ZONING DISTRICT:	R-3, Cluster
ZONING ORDINANCE PROVISION:	8-922
SPECIAL PERMIT PROPOSAL:	To permit reduction of certain yard requirements to permit construction of an addition 21.0 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-PR-086 for the proposed addition subject to the proposed development conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\dhedri\Special Permits\1-25\ SP 2011-MV-096 Rusten (50)\SP 2011-MV-096 Rusten staff report.doc

Deborah Hedrick

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

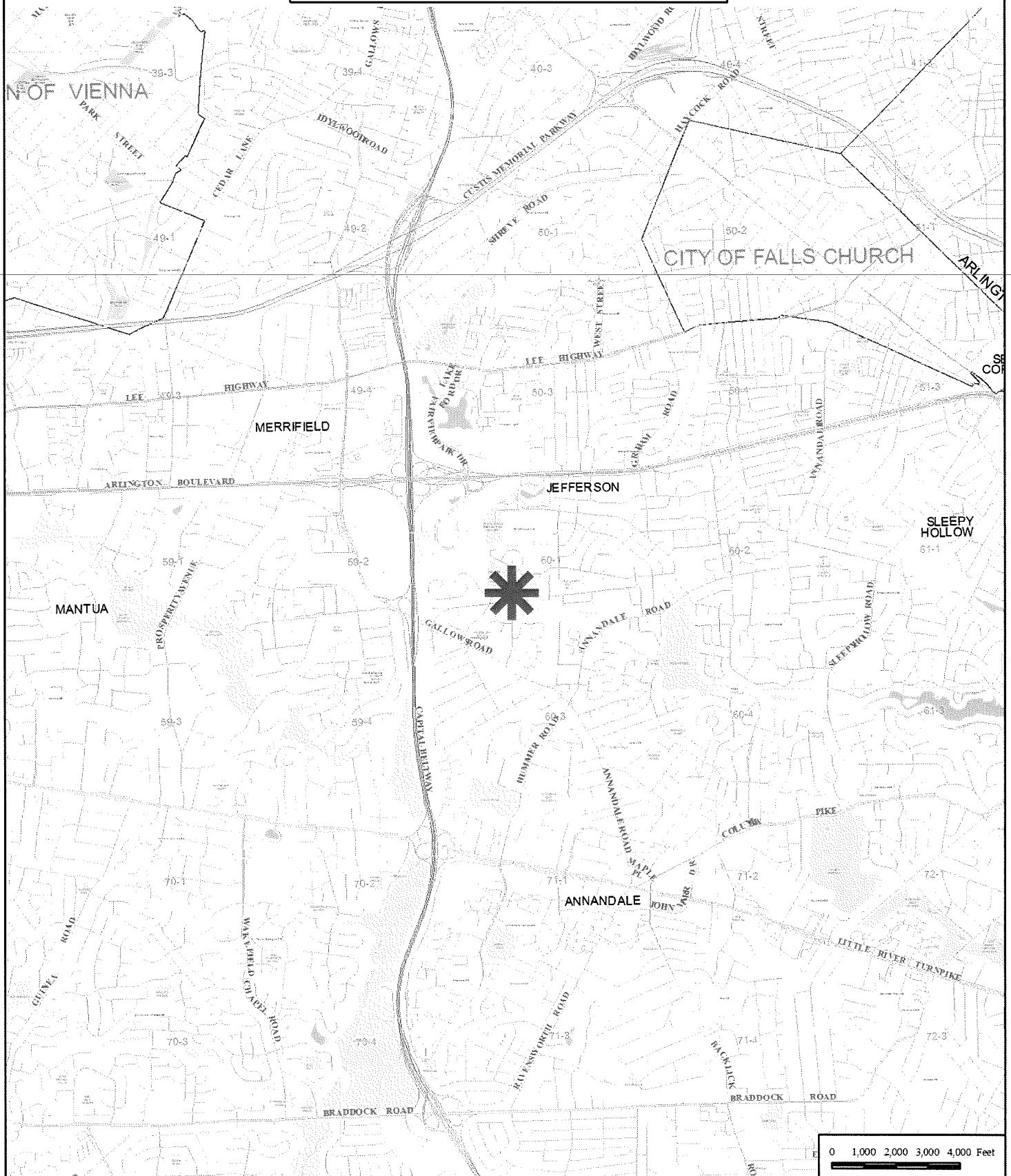


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

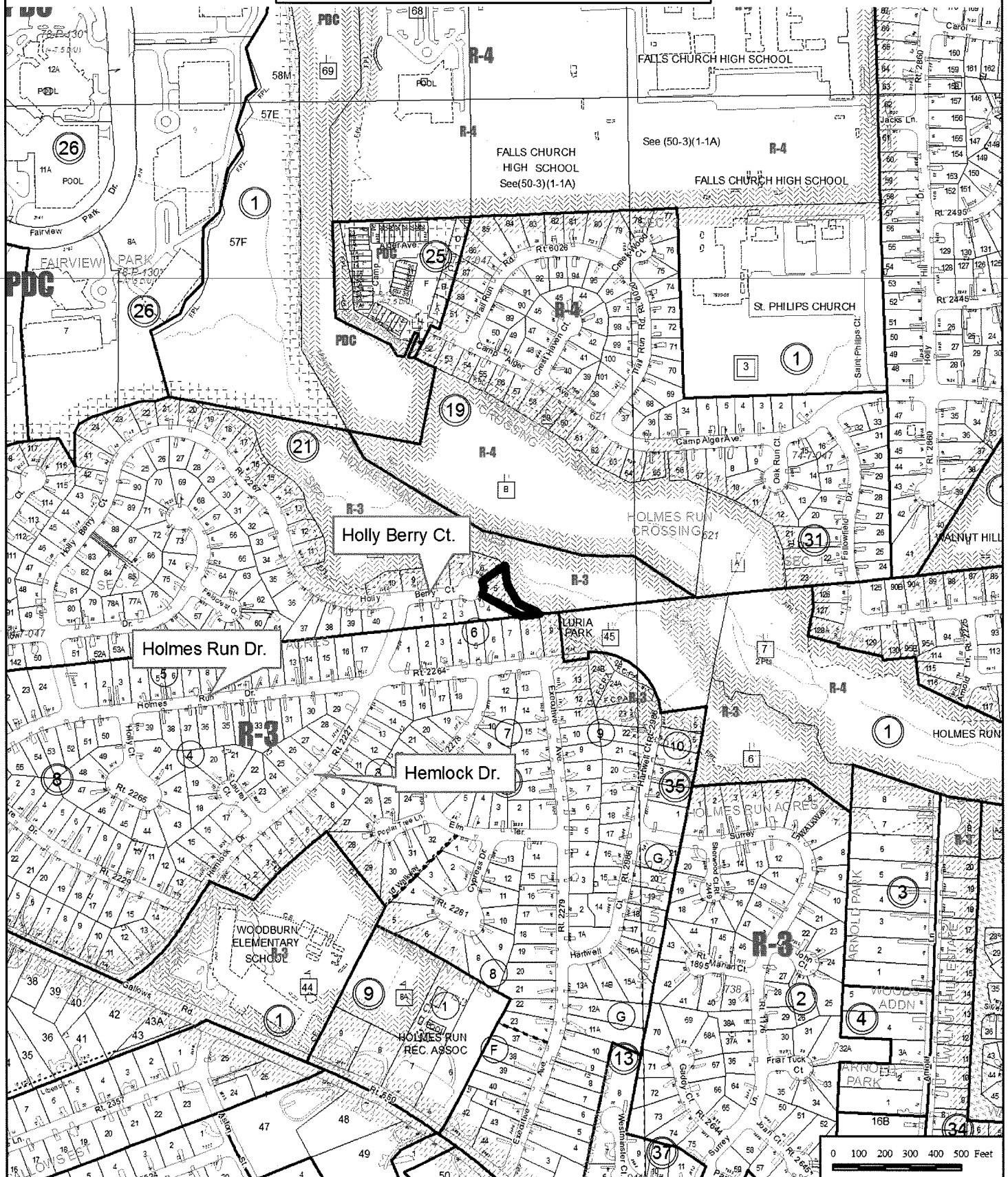
Special Permit

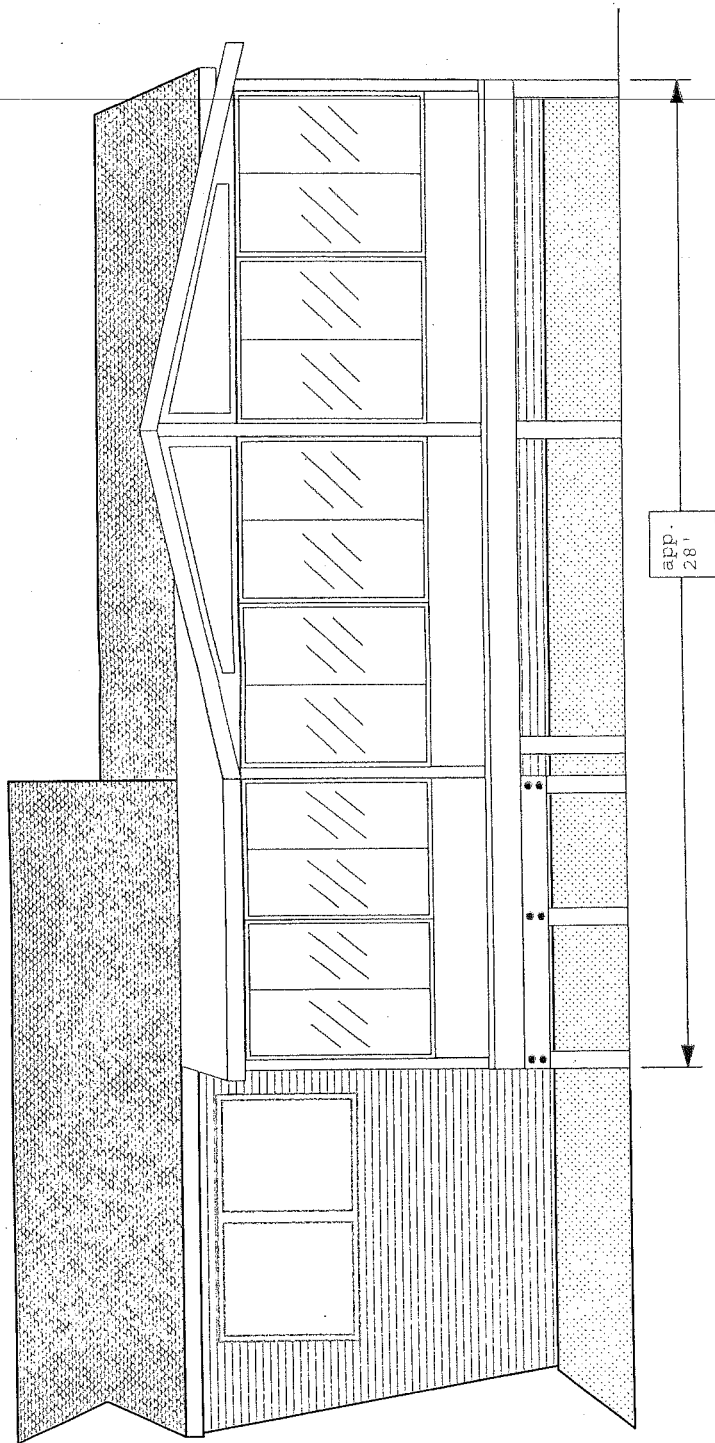
SP 2012-PR-086

REUBEN R. WERNER, TRUSTEE &
MARY M. WERNER, TRUSTEE

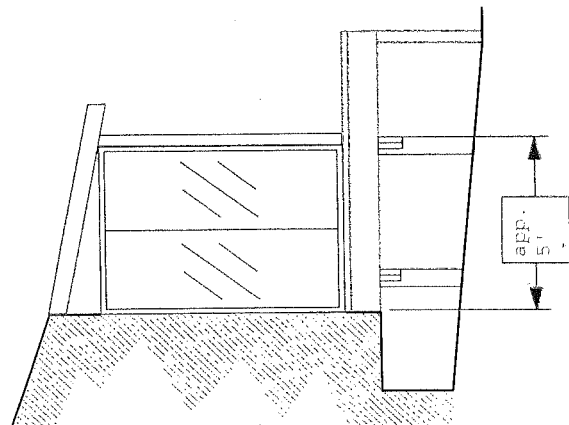
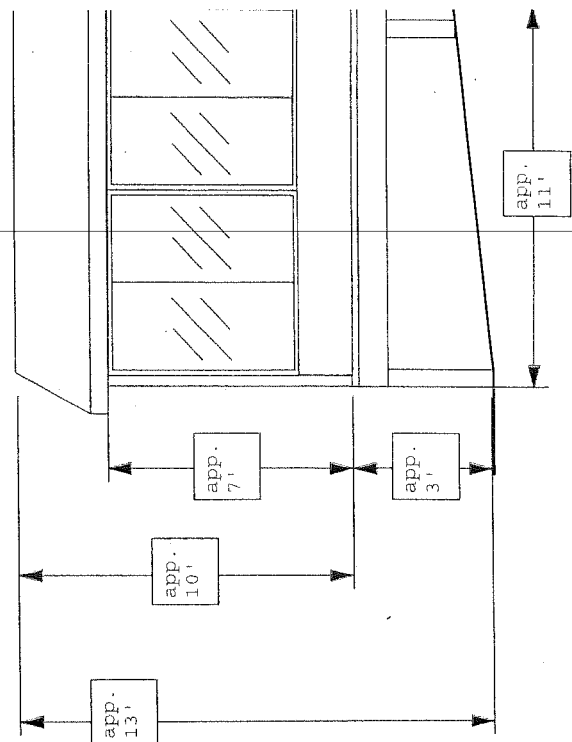


Special Permit
SP 2012-PR-086
REUBEN R. WERNER, TRUSTEE &
MARY M. WERNER, TRUSTEE





ε (to



HOLLY BERRY COURT
ROUTE 2267
50' R/W

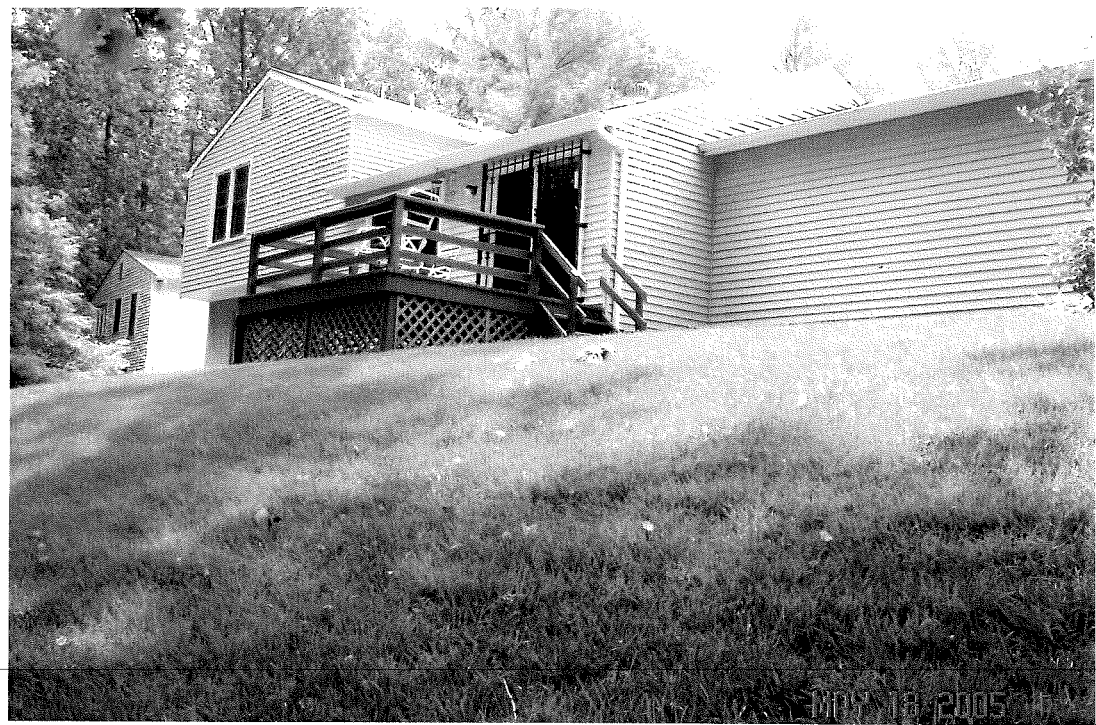


View front from South west

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Department of Planning & Zoning
AUG 28 2012
Zoning Evaluation Division



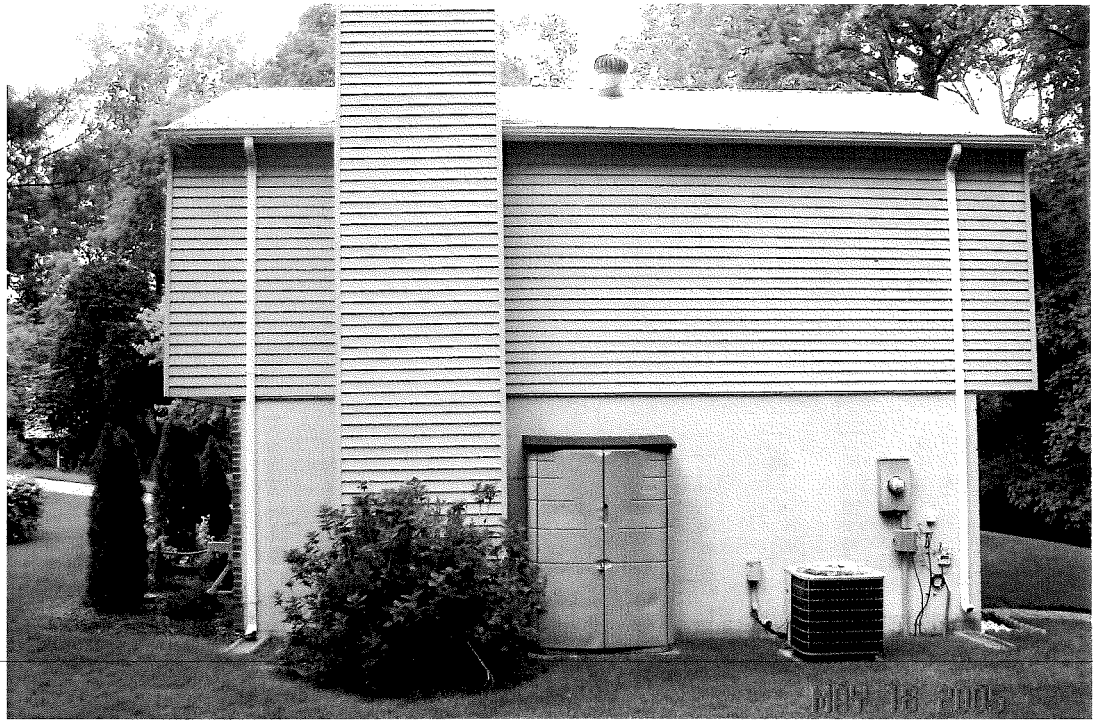
View front from North west



View from North East - Shows steep grade

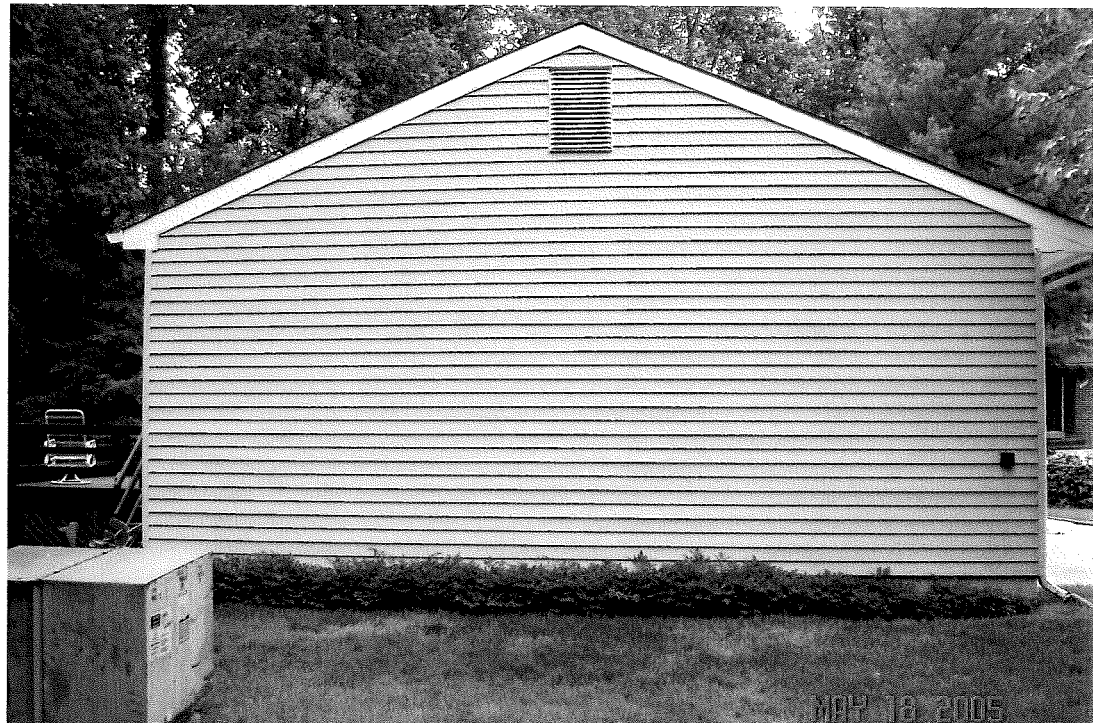


View deck from North East side - Shows steep grade



View South Side

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New North Side



New deck from north side

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AUG 28 2012
Zoning Evaluation Division



New deck from south east side



View from South East
Shows steep grade

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View shows steep grade behind house



View from deck looking East
does not show steep grade

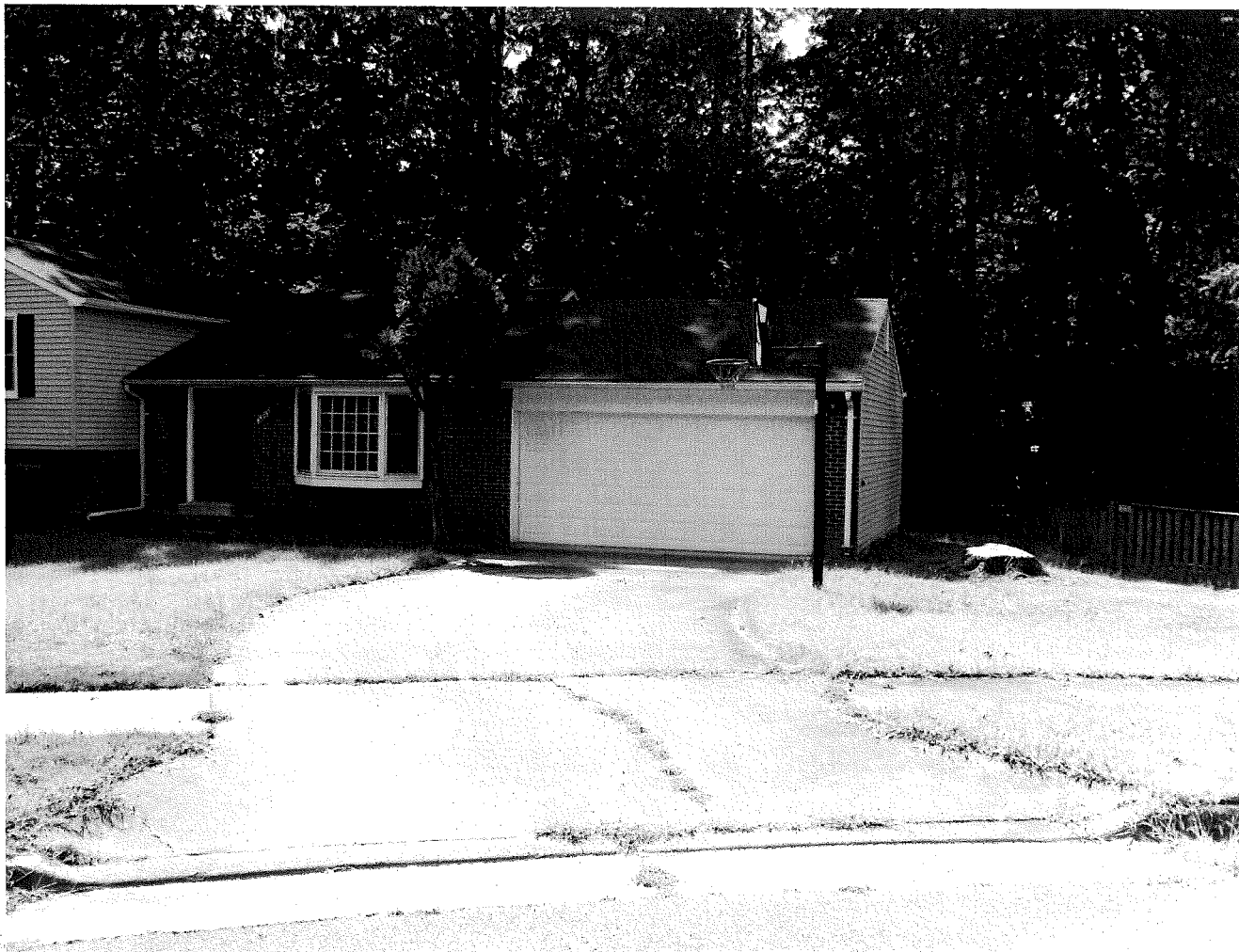


View from deck looking North East
Does not show steep grade

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Werner Neighbor
(left)
backyard



Werner Neighbor
(right) # 3203-
Front View

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AUG 28 2012
Zoning Evaluation Division



Werner Neighbor
(left)-side &
back view



Werner Neighbor
(left)-front
view

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Werner Neighbor
(left) #3200

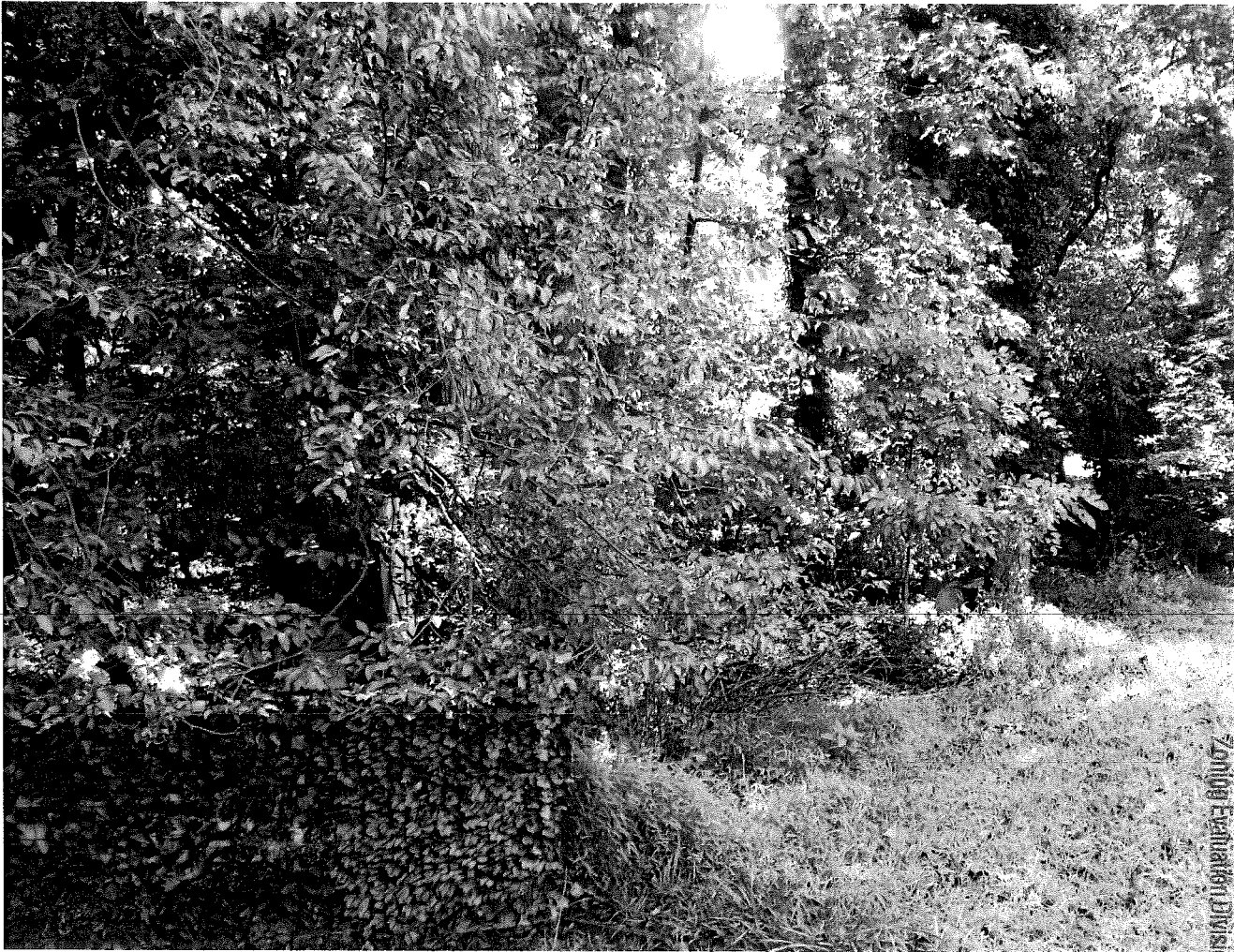
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Zoning Evaluation Division



Werner Neighbor
(left) -
Side View



Backyards of
Werner &
Neighbor,
to the right

Zoning Evaluation Division

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Department of Planning & Zoning
AUG 28 2012



Rear-to-front
View from
between
Werner &
neighbor to
the right



Werner Neighbor
(left)
Side yard

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AUG 28 2012
Zoning Evaluation Division



Werner Neighbor
(right)
Side yard



Werner Neighbor
(Right)
#3203 -
Frnt View



Werner Neighbor
(Right)
#3203
Front View

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Department of Planning & Zoning

AUG 28 2012

Zoning Evaluation Division



Werner Neighbor
(Right)
Front/Side
View



Werner Neighbor
(Right)
back yard

RECEIVED
Department of Planning & Zoning

2012 JUN 28

Zoning Evaluation Division

2012 JUN 28

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit to permit a reduction of certain yard requirements to allow the construction of a sunroom addition to be located 21.0 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit Request	Addition	Rear	25.0 feet	21.0 feet	4.0 feet	16%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The application property is zoned R-3 and developed under the Cluster regulations of the Zoning Ordinance. The property is located at the end of Holly Berry Court with a driveway from the court to a two-car garage on the northern side of the dwelling. The 16,314 square-foot irregularly shaped lot is currently developed with a split-level brick and siding single-family detached dwelling measuring 1,120 square feet in area and 14.7 feet in height, built in 1978. An at-grade patio and a wood deck are located at the rear of the dwelling. A portion of the rear yard is located with a floodplain and Resource Protection Area (RPA). There is mature vegetation throughout the site and a well-manicured lawn. The topography of the site rises from Holly Berry Court to the dwelling and then drops in the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single family detached dwellings
South	R-3	Single family detached dwellings
East	R-3	Homeowners Associated Open Space
West	R-3	Single family detached dwellings

BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Special Permit Plat, Lot 5, Section 1, Holmes Run Woods West
- **Prepared by:** Scartz Surveys
- **Dated:** July 11, 2012, revised through October 26, 2012

Proposal:

The applicants are requesting special permit approval for a reduction to certain yard requirements to permit the construction of a one-story sunroom addition to be located 21.0 feet from the rear lot line; therefore, a reduction of 4.0 feet, or 16%, is requested. The height of the proposed addition will be lower than the dwelling at a height of 13.1 feet. The dwelling is 1,120 square feet in size and the addition is proposed to be 261 square feet in size. The sunroom will not extend any closer to the rear lot line than the existing deck.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3. *General Standard 3* requires that the application proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. *By observation of the neighborhood as well as the review of photographs submitted by the applicant, staff believes that the proposed addition will not adversely affect the use or development of neighboring*

properties. Although they appear to have been constructed without the need for a variance or special permit, several homes in the area have additions and decks on the rear of the homes. The proposed building materials to be utilized on the sunroom addition will complement the existing building materials. Staff believes that this standard has been met.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met most of the remaining standards, specifically Standards 4, 6, 7 and 8, but has some reservations with regard to Standard 9 which is discussed herein.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the special permit plat, the existing dwelling is 1,120 square feet in area. Therefore 150% of the total gross floor area could result in an addition up to 1,680 square feet in size for a possible total at build out of 2,800 square feet. The proposed addition is 261 square feet, for a total gross floor area of the house with addition of 1,381 square feet. Therefore, the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will complement the appearance of the existing dwelling. The addition will increase the footprint of the house by only 261 square feet. The existing dwelling is 14.7 feet in height and the sunroom is proposed at only 13.1 feet in height and will not be seen from the street. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood as the applicants are proposing to basically enclose an area already containing a deck. There are other decks and rear additions in the neighborhood. Because of the location of the lot at the end of a cul-de-sac and open space to the rear of the lot, the addition will be virtually invisible to surrounding properties. Staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The sunroom addition will be in the location of an existing deck. No additional imperious area or clearing will be required and no vegetation will be removed to accommodate the addition. Staff believes that this standard has been met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the impact from the proposed addition will be negligible. It basically covers an area already covered by a deck and no vegetation will be affected. There is a small portion of a floodplain and RPA on the property, though they both sit on the lower portion of the slope in the rear yard away from the house and proposed addition. Normally a variance or special permit must be approved if any portion of a dwelling less than 15 feet from a floodplain, however the Director of the Department of Public Works can approve the location of an addition to a dwelling if the dwelling was constructed prior to August 14, 1978, which this dwelling was. The applicant applied for the reduction to the setback from the floodplain and it was approved on December 11, 2012. A copy of the letter is included as Appendix 4.

CONCLUSION

Staff believes that the subject application could be in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2012-PR-086 for the proposed addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
 2. Applicant's Affidavit
 3. Applicant's Statement of Justification
 4. Floodplain Determination Letter
 5. Applicable Zoning Ordinance Provisions
-

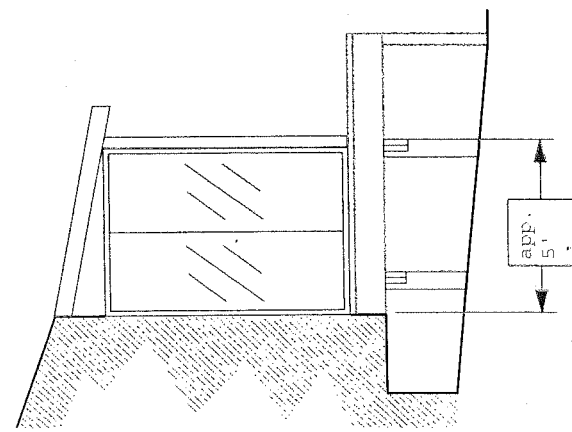
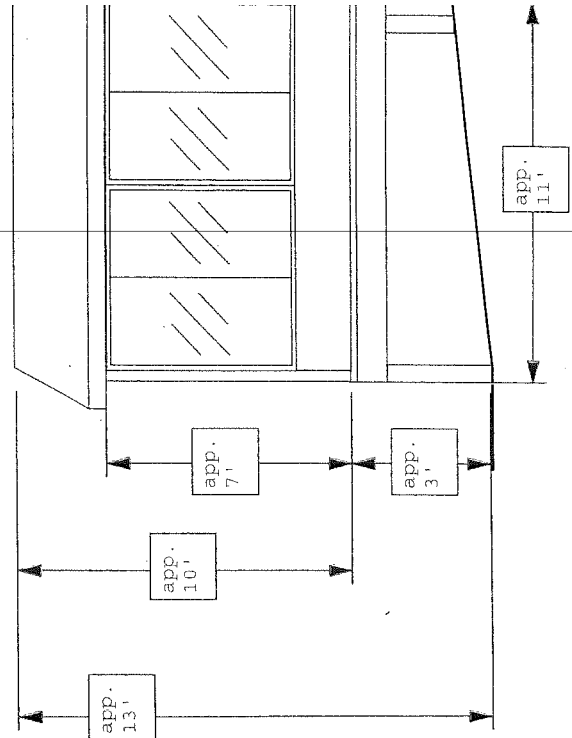
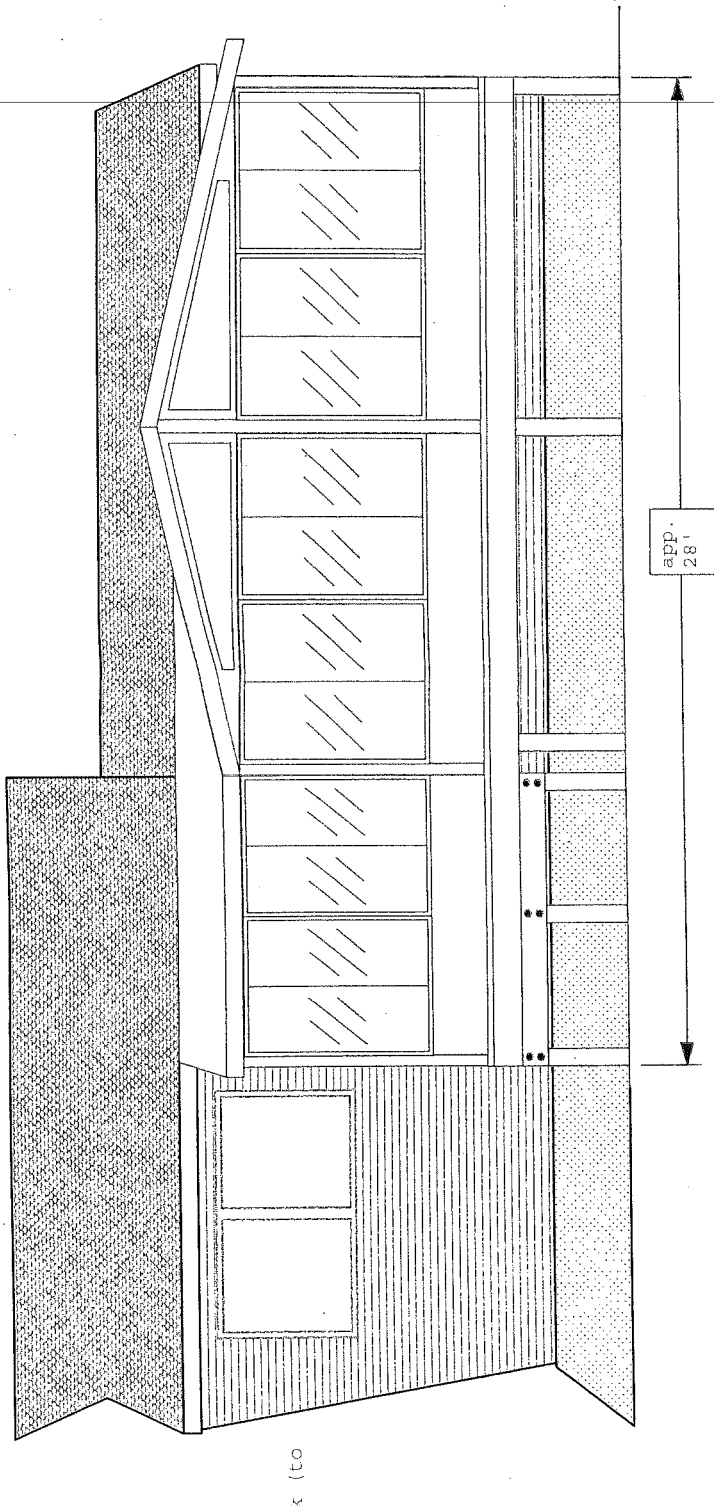
PROPOSED DEVELOPMENT CONDITIONS**SP 2012-PR-086****February 27, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-PR-086 located at Tax Map 59-2 ((21)) 5 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size, approximately 261 square feet for the sunroom addition, as shown on the plat prepared by Scartz Surveys, dated July 11, 2012, as revised through October 26, 2012, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,120 square feet existing + 1,680 square feet (150%) = 2,800 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural drawings as depicted on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUGUST 16, 2012
 (enter date affidavit is notarized)

I, William A. Reames, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

117250

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Reuben R. Werner and Mary M. Werner Trustees of the Werner Family Trust, The Benefit of:	3201 Holly Berry Ct. Falls Church, VA 22042	Applicants/Title Owners
Brian Patrick Werner, Beneficiary	108 Whetstone Pl. Charlottesville, VA 22901	
Steven Douglas Werner, "	3349 West Taro Lane Phoenix, Arizona 80527	
Robert Allen Werner, "	P.O. Box 352 Cross Junction, VA 22625	
Reamco, Inc./Patio Enclosures	10595 Furnace Rd. Ste 100 Lorton, VA 22079	Agent
Frederick V. Reames	"	Agent
William A. Reames	"	Agent
James C. Garner, Jr.	"	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUGUST 16, 2012
(enter date affidavit is notarized)

117250

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

REAMCO, INC. | PATIO ENCLOSURES
10595 FURNACE ROAD, SUITE 100
LORTON, VIRGINIA 22079

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

FREDERICK V. REAMES

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUGUST 16, 2012
(enter date affidavit is notarized)

117250

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUGUST 16, 2012
(enter date affidavit is notarized)

117250

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUGUST 16, 2012
(enter date affidavit is notarized)

117250

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

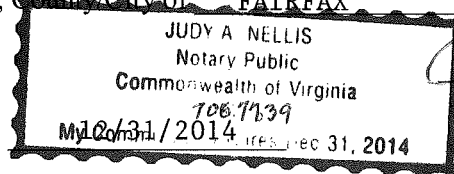
☐ Applicant

☒ Applicant's Authorized Agent

WILLIAM A. REAMES VICE PRESIDENT/GENERAL MANAGER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16TH day of AUGUST 20 12, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

My commission expires:



Judy A. Nellis
Notary Public
JUDY A. NELLIS

Request for Special Permit - Statement of Justification - Revised

Applicant: Reuben R. & Mary M. Werner, 3201 Holly Berry Court, Falls Church, Va 22042

Applicant hereby requests that the BZA approve a special permit to allow a reduction of a certain yard requirement pursuant to Section 8-922 of the Fairfax County Zoning Ordinance. This special permit is requested in order to allow the Werner's to construct a sunroom addition to their home. The sunroom will be manufactured of wood and extruded aluminum framing, glass and screen panels, and aluminum sheathed foam roof panels. The lattice on existing deck is being removed.

Applicant requests that the modification be approved because:

1. The requested yard requirement reduction will not result in a yard that is less than 50 percent of the requirement nor a yard that is less than five feet.
2. The reduction shall not result in the placement of a detached accessory structure in the front yard.
3. The existing principal structure complies with the minimum yard requirements and has since it was built.
4. The gross floor area of the proposed sunroom is less than 150 percent of the gross floor area of the existing principal structure.
5. NOT AN ACCESSORY STRUCTURE
6. The proposed sunroom is in character with the existing on-site development in terms of location, height, bulk and scale.
7. The proposed sunroom is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale, topography, existing vegetation and the preservation of significant trees. The proposed sunroom is fully compatible both with the existing house architecture and with the neighborhood as a whole.
8. The proposed sunroom will not adversely impact the use and/or enjoyment of any adjacent property owners with regard to issues including, but not limited to noise, light, air, safety, erosion, and stormwater runoff.

Request for Special Permit - Statement of Justification (Pg 2 Continued)

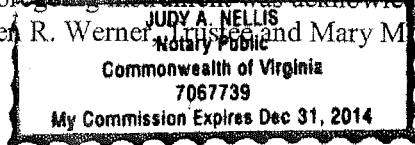
9. The proposed yard requirement reduction is the minimum necessary to accommodate the proposed sunroom. No other location on the house is more suited for the proposed sunroom taking into account the architecture and layout of the existing house, the shape of the lot, and the relevant yard requirements.
10. The existing gross floor area of the structure is 1138 sq. feet. The garage area is 484 sq. feet. The proposed sunroom is 300 sq. feet.

Reuben R. Werner ^{27/Sep/12}
Reuben R. Werner, Trustee Date

Mary M. Werner ^{9/27/12}
Mary M. Werner, Trustee Date

Certificate of Acknowledgment
Commonwealth of Virginia
County of Fairfax

The foregoing instrument was acknowledged before me this 27 September, 2012 by
Reuben R. Werner, Trustee, and Mary M. Werner, Trustee.



Judy A. Nellis
Judy A. Nellis, Notary

My commission expires: December 31, 2014



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

DEC 11 2012

William A. Reames
Vice President & General Manager
Reamco, Inc.
10595 Furnace Road, Suite 100
Lorton, Virginia 22079

RECEIVED
Department of Planning & Zoning

DEC 17 2012

Zoning Evaluation Division

Subject: Holmes Run Woods West, Lot 5, Section 1, 3201 Holly Berry Court, Tax Map
#059-2-21-0005, Providence District

Reference: Your Letter Dated November 13, 2012.

Dear Mr. Reames:

In response to your request, it has been determined that the location of the proposed sunroom addition within fifteen (15) feet to the edge of the floodplain is approved under Fairfax County Zoning Ordinance (ZO) Section 2-415.2, subject to the following conditions:

1. The lowest part of the lowest floor of the proposed sunroom must be above the 100-year flood level, ZO 2-415.2.A. This includes any structural components that support the floor, such as joists and beams. Any new or replacement electrical equipment and heating, ventilation, and air conditioning systems shall be protected from flood damage by being placed above the base (100-year) flood elevation (BFE) in accordance with the Virginia Uniform Statewide Building Code. The BFE at the subject site per Federal Emergency Management Agency (FEMA) flood profile effective September 17, 2010 is 280.3 feet referenced to NGVD 1929 datum.
2. Please be advised that a small portion of the subject property is in a FEMA floodplain with panel #51059C0280E, effective September 17, 2010.
3. The proposed sunroom addition, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the PFM, ZO 2-415-2-D and PFM 6-0704.1.
4. Provision of an executed copy of the "hold harmless" agreement (copy enclosed) prior to final approval of the building permit plan, PFM 6-0705.4.
5. There shall be no storage of herbicides, pesticides or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations (CFR), Parts 116.4 and 261.30 et. seq., in the floodplain, ZO 2-905.6.



6. No land within the floodplain shall be disturbed for construction of the proposed addition, ZO 2-415.E.
7. The proposed use meets the environmental goals and objectives of the adopted Comprehensive Plan for the subject property, ZO 2-415-2.E.
8. The proposed use and construction activity shall comply with the provisions of the Chesapeake Bay Preservation Ordinance, ZO 2-415-2.E.

This determination is valid as of the date of this letter and does not relieve you of the responsibility of complying with any other ZO or County regulation currently in effect or which may be adopted by the Board of Supervisors at a future date.

Please ensure that a copy of this letter is made a part of the subject plan or building permit.

If further assistance is desired, please contact Durga Kharel, Senior Engineer III, Site Development and Inspections Division (SDID) at 703-324-1720.

Sincerely,



Judy Cronauer, P.E.
Chief, Central Branch
SDID

JAC/am

Enclosure

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, Stormwater Planning Division, Department of Public Works and Environmental Services (DPWES)
Ken Williams, Customer and Technical Support Center, LDS, DPWES
Hani Fawaz, Senior Engineer III, SDID, LDS, DPWES
Durga Kharel, Senior Engineer III, SDID, LDS, DPWES
Location File



PATIO & PORCH ENCLOSURES • SOLARIUMS & CONSERVATORIES • REPLACEMENT WINDOWS
10595 FURNACE RD, SUITE 100 • LORTON, VA 22079 • 1 (800) 277-2846 • FAX (703) 690-2009

November 13, 2012

IG247293

Director, Land Development Services
Dept. of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, VA 22035-5504



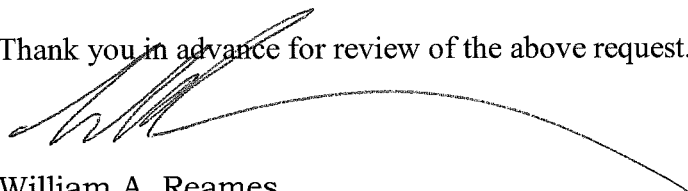
Re: Reuben R. Werner, Trustee and Mary M. Werner, Trustee, 3201 Holly Berry Court,
Falls Church, VA 22042; SP2012-0169

To Whom It May Concern:

This is a request for permission for Reamco, Inc. Patio Enclosures to build a sunroom encroaching into the floodplain at 3201 Holly Berry Court. We are in the process of a Special Permit and the County notified us that we would be encroaching into the floodplain. We are the acting agent for the Werners for their Special Permit Request, SP2012-0169. Reamco, Inc. Patio Enclosures is contracted to build a sunroom at the rear of the Werner's home, size to be 5'x28'x11'. The deck the sunroom will be built on will be approximately 3' off the ground.

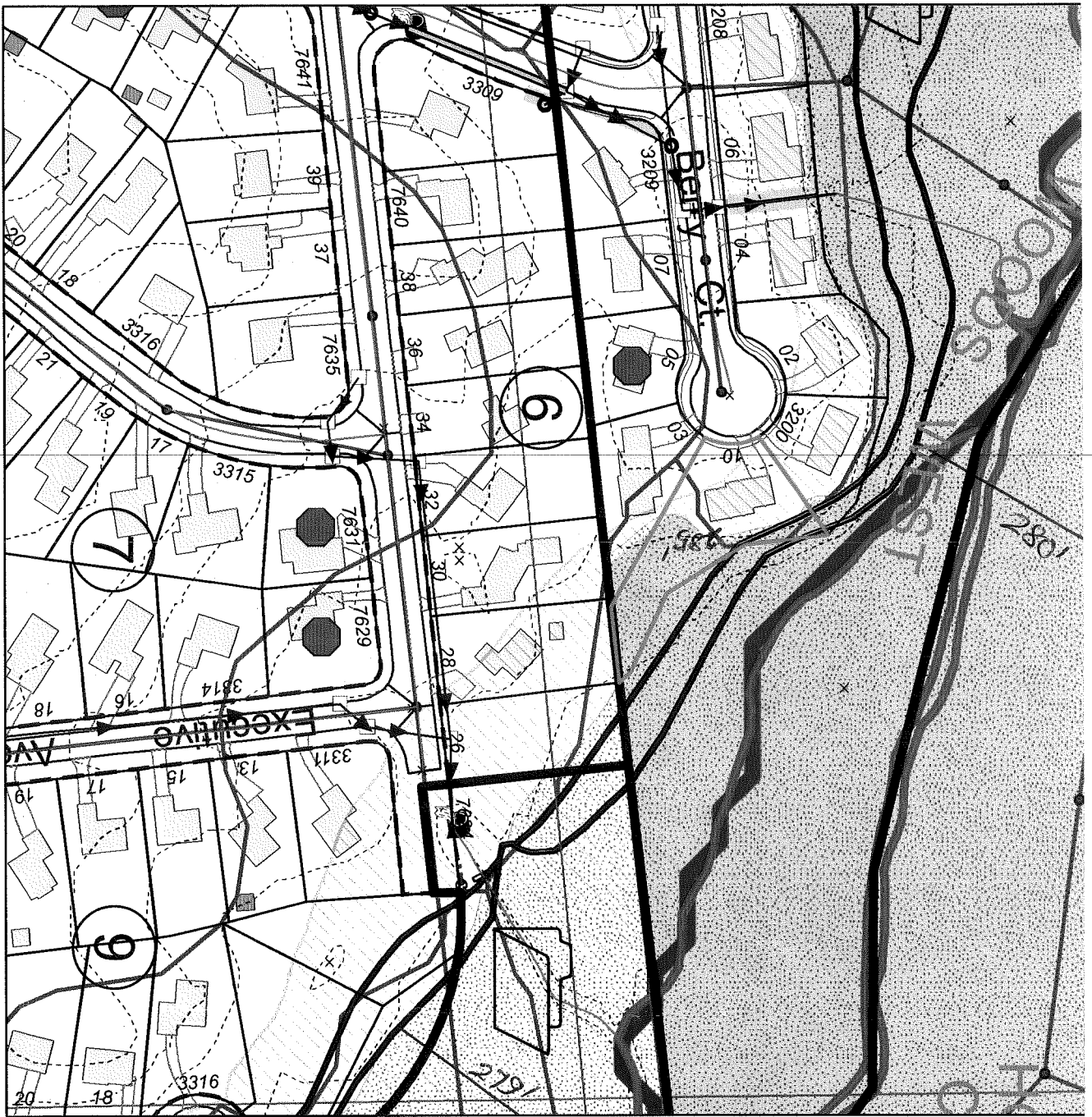
The proposed sunroom will be 11.4 feet from the floodplain. The home was built in 1976 per Fairfax County records.

Thank you in advance for review of the above request.

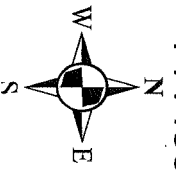

William A. Reames,
Vice-President & General Manager

Attachments:
Photos of area for proposed sunroom
Plat Copy
Elevation Drawing

cc: Dept of Planning and Zoning, File SP2012-0169
File, Werner #37329, Reamco, Inc.



1 inch = 144 feet



EXISTING HEIGHT OF HOUSE: 14.7'
 EXISTING HEIGHT OF SHED: 6.1'
 PROPOSED HEIGHT OF SUNROOM: 10.0'

7. PURPOSE OF THIS SPECIAL PERMIT PLAT IS TO BUILD A SUNROOM ADDITION WITHIN THE BOUNDARIES OF THIS LOT BY ADJUSTING THE MINIMUM REAR YARD BUILDING RESTRICTION LINE FROM 25 FEET TO 21 FEET SO THAT THE PROPOSED SUNROOM CAN BE BUILT. (REF.: ZONING ORD. 8-922)

HOLLY BERRY COURT
ROUTE 2267
50' R/W

TAX MAP# 059-2-21-0005

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
-
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.